

REMARKS

In this paper, claims 37, 42 and 44 are amended, and claims 41, 43 and 72 are canceled. After entry of the above amendment, claims 1-40, 42, 44-61, 63-65, 67-71 and 73-74 are pending, and claims 41, 43, 62, 66 and 72 have been canceled.

Support for the amendment to claim 37 may be found in former claims 41 and 43. Furthermore, Figs. 5 and 6 show a biasing mechanism (99) that applies a biasing force between the caliper housing (30) and the actuating arm (98). The specification at column 10, lines 55-67 and Figs. 4, 7 and 48-51 describe an adjusting mechanism (56, 99, 102) that adjusts the biasing force applied between the caliper housing (30) and the actuating arm (98).

Claims 42 and 44 have been amended simply to depend from claim 37, since the claims from which they originally depended (claims 41 and 43) have been incorporated into claim 37.

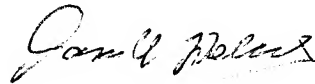
According to the Decision on Appeal decided August 17, 2009, modified by the Decision on Rehearing decided November 6, 2009, the decision of the Examiner rejecting claims 43, 69-71 and 73-74 over the prior art was reversed; the decision of the Examiner rejecting claims 37-42, 47-60 and 72 over the prior art was affirmed; the decision of the Examiner rejecting claims 69-71 and 73-74 based on the recapture rule was reversed; and the decision of the Examiner rejecting claims 37-60 and 72 based on the recapture rule was affirmed. Since the rejection of claim 43 was reversed, it is believed that the subject matter of claim 43 is now patentable.

The subject matter of claim 43, including the feature of intervening claim 41, has been incorporated into claim 37. Accordingly, it is submitted that claims 37-40, 42 and 47-60 are now allowable over the prior art. Furthermore, since the Board believes that a claim that is allowable over the prior art also avoids the recapture rule, it is submitted that claims 37-40, 42 and 47-60 avoid the recapture rule as well.

Accordingly, it is believed that the prior rejections under 35 U.S.C. §103 and §251 have been overcome, and it is submitted that all pending claims are in condition for allowance. Reconsideration

of this application as amended is respectfully requested. Allowance of all claims is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James A. Deland".

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